

Comments on April 18, 2013 PC Agenda Items

The following comments on April 18, 2013 Newport Beach Planning Commission agenda items are submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item No. 1 Minutes of April 3, 2013

The following corrections are suggested:

- “***The Irvine Company***” is referred to in the second line from the bottom on page 2 and in three places on page 3 as “*Irvine Company*.” I’m pretty sure “The” is usually regarded as part of the name.
- On the last line of page 4, “*Newport Uptown*” should read “***Uptown Newport***”

Item No. 2 1420 W Ocean Front Alternative Setback (PA2013-045)

Staff’s recommendation seems reasonable in view of nearby development, however it would seem to me the intent of the normal 10 foot rear setback requirement is to ensure residences will be developed with at least some usable private outdoor area. Reducing the setbacks on the sides away from the street and boardwalk to 3 and 4 feet means there will be very little of that.

As to the “Draft Resolution – Approve” (Attachment PC 1):

- The proposed title saying it is “*APPROVING STAFF APPROVAL NO. SA2013-002*” seems inconsistent with “Exhibit A” being signed by the Planning Commission. Shouldn’t Exhibit A be signed by the Community Development Director using, as it says, the numbers established by the Commission?
- Section 1.2, should probably say “*The applicant proposes to **maintain establish** the required front setback of 10 feet along West Ocean Front as well as the required side setback of 4 feet along 15th Street*” since the setbacks stated are quite different from the existing ones.
- In Section 2.2, the CEQA finding that “*The proposed project will alter the required setbacks, **but will not result in a physical change to the existing lot or structure***” seems questionable since it seems to me that since the proposal is coming from an architect it can be reasonably anticipated that the approval of this action *will* result in a physical change to the structure (see plans on handwritten page 28). It might be better to simply quote the language from the CEQA Implementing Guidelines, which says Exemption 5 includes “*set back variances not resulting in the creation of any new parcel.*”
- Section 2.3 states that it would be desirable for the applicant to bear the costs of any CEQA challenge, but I am unable to find anything in the draft resolution ensuring this will happen.

Item No. 3 441 Old Newport Medical Office Building (PA2011-056)

I submitted written comments on this item when it was before the Commission at its April 3, 2013, meeting.

I appreciate that Planning staff has been preoccupied with its move from the old City Hall site, but in addition to the previous comments (posted on the [Planning Commission webpage](#) for the April 3 meeting), I would note that the draft Resolution from the earlier staff report probably needs to be updated to reflect the fact that the original hearing was continued and that the final determination was made on April 18, 2013.

Item No. 4 Knight (PA2013-044) and Ou (PA2013-043) Residences

Please see comment on Item 3, above: I also submitted written comments on this item which may be found on the Commission's webpage under the April 3, 2013, meeting. Those comments include, among other things, some suggestions for minor typographical changes that do not seem to have yet been made (since the staff report has not been updated, including changing the hearing and approval dates in the draft resolutions), and other reservations about the recommendation.